

SECTION 81-885.24(19) - FAILURE TO INCLUDE DATE OF EXPIRATION AND PROVIDE COPY

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.21(1) by disbursing part of an earnest deposit to a seller while contract was still pending without written authorization; Title 299, Ch. 3-002 by failing to keep Trust Account records in a form so it could be examined by Commission staff; Ch. 3-006 by failing to deposit an earnest deposit in a timely manner; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker; and 81-885.24(19) by failing to include a fixed date of expiration on a listing agreement.	92-078 - Commission vs. Bennie C. Taylor	June 8, 1993	Suspend 24 months with last 18 months stayed and served on probation, provided 12 additional hours of continuing education are completed during said 6 months of active suspension.
Section 81-885.24(19) by failing to include a fixed date of expiration in any written listing agreement and failing to leave a completed copy of agreement with principal; 81-885.24(4) by commingling property with his own property; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness.	93-036 - Commission vs. Charles DeVetter, Jr.	May 4, 1994	Suspended for 3 years with last 2 ½ years stayed and served on probation, plus attend a business ethics course.
Section 81-885.24(19) by failing to leave a copy of the addendum to the listing agreement; 81-885.24(12) by offering real estate for sale on terms other than authorized by the owner or authorized agent; and 81-885.24(25)(29) by filing a document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the Title to real estate when no valid claim exists and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	95-043 - Commission vs. Robert W. Tallichet	March 1, 1996	License suspended for three (3) months, with the suspension being served from March 1 through March 15, 1996 and the remainder served on probation; plus additional 12 hours of continuing education.
Section 81-885.24(19) by violating a rule or regulation adopted by the Commission; Ch. 3-002 by failing to maintain an accurate bookkeeping system, Ch. 5-003.07 by failure to comply with 76-2410 through 76-2430, to wit: 76-2421 by failing to properly complete and retain an agency pamphlet, 76-2420 by failing to adopt a written agency policy, Ch. 5-003.08 by failing to write a disclosure on dual agency in accordance with 76-2422(4) by not having a written agreement of the seller & buyer or landlord & tenant permitting the designated broker to serve as a dual agent, Ch. 5-003.10 by failing to give seller closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.11	97-036 - Commission vs. Glenda Harders	August 19, 1997	Stipulation and Consent Order. License suspended two years, plus 6 hours continuing education, 3 hours in agency law and 3 hours in trust accounts.

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by failing to give purchaser closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 5-003.22 by failing to supervise, Ch. 5-003.23 by failing to give a copy of the disclosure statement to the purchaser or their agent, Ch. 5-003.24 by failing to give a copy of the disclosure statement to the purchaser or get signed receipt, 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.	97-036 - Commission vs. Glenda Harders		
Section 81-855.24(19) by failing to include a fixed date of expiration in any written listing agreement; 81-855.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically Title 299, N.A.C., Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, failing to prepare a written estimate of the costs the seller will be expected to pay at closing, and failing to obtain the signature of the seller on said written document; Ch. 5-003.11 by failing to identify to the prospective purchaser, in writing, at the time the offer is written by the purchaser or a counteroffer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing, and by failing to obtain the signature of the purchaser on said document; Ch. 5-003.14 by failing to deposit any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer was accepted; Ch. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the purchaser or to the agent of the purchaser, on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property; Ch. 5-003.24 by failing, as the agent of the purchaser, to assure that a copy of the Seller Property	98-012 - Commission vs. Mark F. Abboud	May 29, 1998	Stipulation and Consent Order. License suspended for 2 years, with said suspension stayed and served on probation from May 29, 1998 through May 29, 2000, with an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours on agency, 3 hours in license law, and 3 hours in disclosures to be completed by March 1, 1999.

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Condition Disclosure Statement is delivered to the purchaser on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property and to obtain the signed receipt of the purchaser; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430, particularly 76-2417 by acting as an agent for the seller without benefit of a written contract, 76-2420 by failing to adopt a written policy which identifies and describes the relationships in which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities, 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity during or following the first substantial contact, and 76-2422(04) by acting as a dual agent without obtaining the written agreement of the seller and the buyer; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to deposit earnest money payment in the Respondent's real estate trust account within 48 hours or before the end of the next banking day after an offer is accepted, in writing, and then forthwith transferring such earnest money deposit to the listing broker; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as the broker.	98-012 - Commission vs. Mark F. Abboud		
Section 81-885.24(19) by failing to include a fixed date of expiration in a Listing Agreement; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	1999-038 - Commission vs. Charles Eugene Grimes	December 7, 1999	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of contracts.
Section 81-885.24(19) by failing to include a date of expiration on the listing contract; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full	1999-035 - Commission vs. Charles E. Degaillez	December 14, 1999	Stipulation & Consent Order. License suspended for two (2) years, with said suspension stayed and served on probation, from December 14, 1999, through December 13, 2001; plus twelve (12) hours of additional continuing education to include three (3) hours in

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<p>compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and failing to obtain the signature of the seller on said document; Ch. 5-003.11 failing to identify to the purchaser, in writing, at the time an offer was written by the purchaser or a counter-offer was accepted by the purchaser, those categories of costs the purchaser would be expected to pay at closing, failing to prepare a written estimate of the costs the purchaser would be expected to pay at closing and failing to obtain a signature of the purchaser on said written document; Ch. 5-003.14 by failing earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.24 and Section 71-2120 by, when acting as an agent of the purchaser, the Respondent failed to obtain the signed receipt of the purchaser on the Seller Property Condition Disclosure Statement; Ch. 5-003.07 and Ch. 5-003308 by failing to comply with Section 76-2401 through 76-2430 in the following particulars: 76-2421 by failing to provide a written copy of , or properly complete, the current brokerage disclosure pamphlet to a seller or buyer who is not entered into a written agreement for brokerage services wit a designated broker at the earliest practicable opportunity during or following the first substantial contact, 76-2419 by failing to obtain the written consent of the buyer and seller to act as a dual agent, 76-2422 and 76-2417 by acting as a limited agent for the seller without entering into a written agency agreement; 81-8853.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>1999-035 - Commission vs. Charles E. Degaillez</p>		<p>trust accounts, three (3) hours in agency, three (3) hours in license law, and three (3) hours in disclosures.</p>
<p>Section 81-885.24(19) by failing to include a fixed date of expiration on a listing agreement.</p>	<p>2000-010 - Ken & Diane Weber vs. Jillian Ann Currie</p>	<p>February 13, 2001</p>	<p>License censured; plus an additional three (3) hours of continuing education in the area of contracts to be completed by August 12, 2001.</p>

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<p><u>Hellman</u>: violated Neb. Rev. Stat. § 76-2417 (1) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity. Hellman failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parties. Violated 81-885.24 (19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal. Hellman failed to include a fixed date of expiration in the listing agreement. And violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Hellman failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parties, and, failed to include a fixed date of expiration in the listing agreement.</p> <p><u>Bock</u>: violated Neb. Rev. Stat. § 76-2418 (1) A licensee representing a buyer or tenant as a buyer's or tenant's agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Bock failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parties.</p>	<p>2009-026 Commission vs. Jennifer Lynn Hellman and Brady Kieth Bock</p>	<p>July 9, 2009</p>	<p>Stipulation and Consent Order. Both licenses censured and each shall complete an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of contracts, to be completed by January 5, 2010.</p>
<p>Violated Neb. Rev. Stat. § 76-2417(1) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (a) To perform the terms of the written agreement made with the client; (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity by providing the sellers with two false closing dates, and failing to advise the sellers that by signing the Addendum to the Purchase Agreement, it would reduce their net proceeds by \$500.00; Redwine violated Neb. Rev. Stat. § 81-885.24(16)</p>	<p>2011-023 – Commission vs. Beverly Arlene Redwine</p>	<p>August 19, 2011</p>	<p>Stipulation and Consent Order. License is suspended for a period of ninety (90) days with the first fifteen (15) days served on suspension and the remainder stayed and served on probation. The suspension period commenced on August 25, 2011, and continued through September 8, 2011. The probation period commenced on September 9, 2011, and continues through November 23, 2011.; plus complete an additional nine (9) hours of</p>

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<p>by failing to obtain the informed written consent of both the Sellers and the Buyer permitting her to act as a dual agent for the proposed sale/purchase of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(19) in that she failed to include a fixed date of expiration in her Listing Agreement with the Sellers of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(22) in that she misrepresented in the Purchase Agreement that she was acting as a dual agent, at a time when she had never met the Buyer; Redwine violated Neb. Rev. Stat. § 81-885.24(26) violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act, and, Title 299 Chapter 5-003.10, in that she failed to have the sellers sign and date the Sellers' "Estimated" Closing Cost Statement; Redwine violated Neb. Rev. Stat. § 81-885.24(29) demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by violating Neb. Rev. Stat. § 76-2422 (4), 81-885.24 (16), (19), (22) and 299 NAC 5-003.10, and by failing to identify in the Offer to Purchase how the buyer intended to pay the remainder balance of \$239,000.00.</p>	<p>2011-023 – Commission vs. Beverly Arlene Redwine</p>		<p>continuing education to include three (3) hours in Agency, three (3) hours in Contracts and three (3) hours in License Law to be completed by December 22, 2011.</p>